

LAW ENFORCEMENT AUTHORITIES

Firearms

APPROVAL/TRANSMITTAL

This directive has been revised to clarify the policy for carrying authorized firearms (see C6) and to reflect changes due to the Good Samaritan Act and the reorganization. Remove and destroy the Approval/Transmittal dated February 23, 1999, and pages 1-13 dated September 1998 and February 1999, and replace with the attached. Retain Exhibits A-I.

ROGER C. VIADERO
Inspector General

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List of Exhibits

- Exhibit A Training Policy Statement
- Exhibit B Waiver of FLETC Training Requirement
- Exhibit C Inspector General Designation Under Section 1337, Public Law 97-98
- Exhibit D Cover Letter to Attorney General
- Exhibit E Memorandum Requesting Authorization to Carry a Personally-Owned
Weapon
- Exhibit F Firearm Maintenance or Inspection Request (Form OIG-8472-1)
- Exhibit G Qualification Score Sheet (Form OIG-8472-4)
- Exhibit H Firearms Authorization Log (Form OIG-8472-2)
- Exhibit I Ammunition Inventory Log (Form OIG-8472-3)

A. BACKGROUND. Designated OIG Special Agents have authority to carry firearms pursuant to section 1337 of the Agriculture and Food Act of 1981 (7 U.S.C. 2270) which provides that:

"Any person who is employed in the Office of Inspector General, Department of Agriculture, who conducts investigations of alleged or suspected felony criminal violations of statutes, including but not limited to the Food Stamp Act of 1977, administered by the Secretary of Agriculture or any agency of the Department of Agriculture and who is designated by the Inspector General of the Department of Agriculture may--

(1) make an arrest without a warrant for any such criminal felony violation if such violation is committed, or if such employee has probable cause to believe that such violation is being committed, in the presence of such employee;

(2) execute a warrant for an arrest, for the search of premises, or the seizure of evidence if such warrant is issued under authority of the United States upon probable cause to believe that such violation has been committed; and

(3) carry a firearm;

in accordance with rules issued by the Secretary of Agriculture, while such employee is engaged in the performance of official duties under the authority provided in section 6, or described in section 9, of the Inspector General Act of 1978 (5 U.S.C. app. 6, 9). The Attorney General of the United States may disapprove any designation made by the Inspector General under this section."

B. POLICY. Firearms and ammunition shall be authorized, carried, and controlled in accordance with 7 U.S.C. 2270, 7 CFR 1a, and the provisions of this directive.

All 1811 series OIG Criminal Investigators shall qualify with an OIG-owned or authorized personally-owned firearm and accept assignments where firearms are required. Failure to qualify or refusal to accept assignments may result in reassignment or removal.

C. PROCEDURES.

1. Law Enforcement Training. SA's must meet specific training standards before being granted law enforcement authority. Those standards are met by completion of the FLETC Criminal Investigator Training Program which includes firearms

(C1)

qualification and use. Prior to being hired, applicants must sign a Training Policy Statement (exhibit A) acknowledging acceptance of these conditions.

FLETC criminal investigator training may be waived by proof of successful completion of other Federal criminal investigator training comparable to FLETC's Criminal Investigator Training Program.

To request a waiver from the IG, the SAC or DD/I shall submit a Waiver of FLETC Training Requirement (exhibit B) to the Director, Investigations Operations Division (IOD) with written recommendations.

2. Law Enforcement Designation. Names of personnel designated by the IG to exercise law enforcement authorities shall be submitted to the Attorney General (AG) for approval.

The D/IOD will prepare a law enforcement authorities designation letter (exhibit C) and forward it to the IG. After the letter is signed the SAC or DD/I will be notified of the designation.

Completed designation letters, along with a cover letter (exhibit D), will be submitted to the AG.

3. Firearms and Ammunition. The standard issue OIG-owned firearms are the Glock Model 19 or the SigSauer Models P226 or P228 9mm semiautomatic pistols. Other types of OIG-owned firearms and approved ammunition are detailed in Staff Memorandums issued by the AIG/I.

The D/IOD may authorize agents in IOD to have more than one firearm assigned to them for use in carrying out the functions of dignitary protection, due to the diverse locations and types of functions they are assigned. This would include any combination of personally-owned or Government-owned firearms. However, no agent will be authorized to carry more than one firearm on their person simultaneously. The firearms and ammunition shall be issued, carried, and controlled following the provisions of this directive.

4. Authorized Personally-Owned Firearms. OIG SA's may carry personally-owned 9mm semiautomatic pistols in lieu of OIG-owned firearms only if authorized by the SAC or DD/I. That authorization may be rescinded at any time. OIG-owned firearms will be returned to the Firearms Custodian or maintained at a resident agent's official duty station when approval for personally-owned firearms has been granted.

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An authorized personally-owned semiautomatic pistol must:

- a. Be 9mm and capable of using OIG's standard issue 9mm ammunition;
- b. be modern and of quality manufacture, capable of firing only one round each time the trigger is pulled;
- c. hold a minimum of eight rounds in the magazine;
- d. have a barrel length of at least 3.46 inches;
- e. have fixed or adjustable sights incorporating a quality night sighting system; and
- f. fire the first round double action.

Any questions regarding whether a firearm is of quality manufacture should be directed to the D/IOD.

An SA requesting to carry a personally-owned firearm will submit a memorandum (exhibit E) to the SAC or DD/I, and also a completed form OIG-8472-1, Firearms Maintenance or Inspection Request (exhibit F) and the firearm to a Firearms Instructor or Armorer for inspection. If the weapon is suitable for duty use, the inspection form will be annotated accordingly and forwarded to the SAC or DD/I for approval.

No personally-owned revolvers or shoulder weapons are authorized for official use.

While in duty status, only OIG-issued ammunition will be used in authorized personally-owned firearms. Practice ammunition will also be provided.

5. Firearms Qualification. SA's must qualify with either an OIG-owned or personally-owned firearm using OIG-issued ammunition. SA's may qualify with only one authorized firearm unless the SAC or DD/I grants prior approval.

OIG SA's will qualify quarterly with his or her authorized handgun. Designated SA's will qualify semiannually with the shotgun. All SA's not designated to qualify with the shotgun must be familiarized annually. SAC's and DD/I's may

(C5)

supplement the OIG qualification courses of fire with judgmental pistol shooting, stress reaction courses, "Hogan's Alley" courses, combined handgun and shotgun courses, etc.

An SA who does not attend firearms training during a scheduled firearms qualification is considered delinquent. No SA should be permitted to become delinquent for any firearms training or qualification unless documented medical circumstances dictate otherwise. The SAC or the DD supervising the SA who failed to attend a firearms qualification may, at their discretion, require the delinquent SA to surrender his/her firearm. The authority to carry a firearm will be rescinded until the SA satisfactorily passes a firearms qualification.

Previously issued rounds should be fired at each qualification session to ensure proper rotation of ammunition.

Qualification scores will be recorded on form OIG-8472-4, Qualification Score Sheet (exhibit G). This record will be maintained in the region or division for 3 years.

- a. Qualification courses. Standard qualification courses are listed in staff memoranda issued by the AIG/I.
- b. Practice firing. SAC's and DD/T's may furnish for voluntary practice firing up to 600 rounds of ammunition (9mm, .357, or .38 caliber) for each SA per fiscal year. No official time will be provided for practice firing.
- c. Remedial training. The SAC or DD/I may approve remedial training for SA's who shoot poorly. Ammunition, official time, and instruction may be given to SA's having difficulty with or failing to qualify with OIG-owned handguns. Remedial training will not be provided to SA's carrying personally-owned firearms. Such SA's not qualifying may have his or her authorization to carry a personally-owned weapon rescinded.
- d. Reloading devices. SA's authorized to carry revolvers may use reloading devices (speed loaders or speed loading strips) provided they qualify with them quarterly.
6. Carrying Firearms. SA's should use the issued holster or, with supervisory approval, a personally-owned holster. The SA must qualify with the approved holster. Discretion should be exercised in removing, putting on, and carrying the firearm to ensure it is not displayed unnecessarily and to protect it from seizure by others.

(C6)

SA's may be called on at any time to respond to emergencies. In order for OIG to mount an effective response to such emergencies, it is imperative for SA's to be able to respond quickly and on short notice. Therefore, SA's are expected to have immediate access to their assigned firearms and other critical law enforcement equipment on a 24-hour, 7-day basis.

7. Drawing Firearms. SA's should avoid display of firearms to the public. Generally, a firearm should be drawn only when the SA intends to use it or has a reasonable expectation it may be used. However, under certain conditions, it may be drawn even though there is no immediate intent or reason to fire it; for example, during an arrest or execution of a search warrant when there is reason to believe armed or dangerous persons may be present, or when a suspect displays behavior threatening to life, either in language or action.

8. Guidelines for Use of Firearms. The SA need not take undue risk when danger threatens, but the SA must exercise good judgment at all times and avoid the use of force whenever assigned duties can be discharged peacefully. The authority to bear firearms carries with it an obligation and responsibility to exercise discipline, restraint, and good judgment in its use. When discharging firearms, danger to innocent parties always exists. If the use of force is necessary, the SA should use the minimum amount necessary. The use of deadly force, such as the use of a firearm, is justified only under conditions of extreme necessity and as a last resort when in the SA's judgment there is imminent danger of loss of life or serious bodily injury to the SA or another person.

Firing a weapon at a person should be with the intent of rendering the person incapable of continuing the activity that prompted the SA to shoot.

Warning shots and firing from a moving vehicle are prohibited.

Weapons may not be fired solely to disable moving vehicles. Weapons may be fired at the driver or other occupant of a moving motor vehicle only when: (a) The SA has a reasonable belief that the subject poses an imminent danger of death or serious physical injury to the SA or another person; and (b) the public safety benefits of using such force outweigh the risks to the safety of the SA or other persons.

The shooting of an animal may be justified for self-defense to prevent substantial harm to the SA or others.

(C8)

Firing at a fleeing person is not permitted unless the SA has reasonable cause to believe that the person poses an imminent threat to the SA's life or the life of another person.

The SA shall follow OIG policy and guidelines as set forth in this directive, even though State or local law may be more liberal in allowing their law enforcement officers to use firearms.

9. Potential Liability for Use of Firearms.

SA's who observe crimes being committed (other than Federal crimes described in 7 U.S.C. § 2270) may intervene depending on the circumstances. Ordinarily, the SA should notify the appropriate Federal or local authority. In a life threatening situation or an incident in which an SA cannot avoid involvement, the SA should respond as necessary.

An SA who intervenes in such a situation may be subject to legal liability for resulting injuries or destruction of property. Neither USDA nor the U.S. Department of Justice, however, is required to provide legal counsel to employees who act outside the scope of their Federal employment.

Nevertheless, when an SA intervenes and is subsequently sued for resulting injuries or destruction of property, the SA may be protected from liability on two bases. First, the SA's liability may be limited based on Federal law, including the Federal Law Enforcement Officers Good Samaritan Act of 1998, Pub. L. No. 105-277, § 627, 112 Stat. 2681 (Good Samaritan Act). Second, the SA's liability may be limited based on whether or he or she is considered a "peace officer" or a "private citizen" under the laws of the State where the intervention occurred.

a. Limited Liability Under the Good Samaritan Act.

(1) Under the Good Samaritan Act and for purposes of the Federal Tort Claims Act, an OIG SA is construed to be acting within the scope of his or her employment, if the SA takes reasonable action, including the use of force, in intervening in a **crime of violence**, in order to:

(a) Protect an individual in the presence of the SA from a crime of violence;

(C9a(1))

(b) provide immediate assistance to an individual who has suffered or who is threatened with bodily harm; or

(c) prevent the escape of any individual who the SA reasonably believes to have committed a crime of violence in the presence of the SA.

(2) The Good Samaritan Act eliminates personal liability of SA's who are sued for negligence or other nonconstitutional torts arising out of the SA's intervention in a crime of violence. Additionally, it provides that the Department of Justice, at its discretion, may defend in a civil suit SA's acting within the scope of their employment.

(3) The Good Samaritan Act does not extend to SA's who are personally sued for a constitutional tort, otherwise known as a Bivens suit. A Bivens suit usually involves violations of the Fourth or Fifth Amendments to the U.S. Constitution, in the context of arrests or searches and seizures. Although the Department of Justice may defend an SA in such a suit, SA's should consider private liability insurance which may indemnify the SA for constitutional torts.

b. Limited Liability Under State Peace Officer Statutes and Common Law. An SA may have limited liability under the law of the particular State where an incident occurs. Some States have laws commonly referred to as "peace officer statutes" that confer upon certain Federal law enforcement officers protection from liability in specific situations where the officer acts in order to "keep the peace." SA's may also have limited protection from liability based on the common law applicable in a State with respect to private citizens. Again, protection against liability under State laws depends on the State in which the incident at issue occurs.

c. Duty To Intervene. State peace officer statutes and the Good Samaritan Act do not create any duty to act or liability for failure to act by a SA. An SA's decision on whether to act is voluntary. However, the SA may **create** such a duty if he or she takes an action that provides or appears to provide assistance, thereby precluding or dissuading others from acting in his or her place.

10. Discharge of a Firearm. If an SA discharges a firearm for any reason other than authorized training, practice, or testing, the SA's supervisor or, if not available, the next higher supervisor, must be immediately notified of the circumstances. Subsequent notification and reporting will be made in accordance with IG-8475, Shooting Incidents.

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11. Firearms on Commercial Aircraft. An SA may carry a firearm on a commercial aircraft while acting in an official capacity as a Federal law enforcement officer as long as the SA follows the procedures in Federal Aviation Administration (FAA) regulation, 14 CFR 108, and meets the conditions set forth below. A current copy of this regulation will be maintained at each official duty station for SA review.

Note: 14 CFR 108.21 lists the conditions for escorting persons in an SA's custody aboard commercial aircraft.

a. Transporting handguns aboard aircraft. The guidance set forth by the FAA dictates that an SA may carry a concealed weapon while a passenger aboard any aircraft operated by a U.S. licensed air carrier, subject to the following conditions.

(1) The SA is in a duty status while a passenger on the air carrier and is required to have the weapon accessible in connection with the performance of duty (see 14 CFR 108.11(2)).

(2) Prior to departure (preferably 1 hour or more), the SA has displayed credentials and discreetly notified and obtained permission from a responsible representative of the airline to remain armed during the flight.

(3) The airline representative granting permission is obligated to inform the captain of the aircraft of the presence and seat location of the armed SA. The captain's indulgence is requested and generally no objection is raised. In the event of an objection by the captain, the SA should use discretion in resolving the issue.

(4) Armed SA's will not consume alcoholic beverages during flights.

(5) In the event of a disturbance aboard the aircraft, the SA shall not take action unless requested to do so by the captain, and then only if, in the SA's judgment, such action would not jeopardize the safety of other passengers.

An SA traveling via commercial airline while in a nonoperational status and not requiring immediate access to the weapon upon arrival should stow the unloaded weapon in personal, checked, and locked baggage. Notification of airline personnel concerning the transportation of a weapon in checked baggage is required. It may be advisable to mail the weapon ahead using overnight express mail. Postal regulations must be followed.

(C11)

b. Transporting shotguns aboard aircraft. Shotguns will be transported in checked baggage or other storage area that is not accessible to passengers. Shotguns must be unloaded and carried in locked hardbody cases. Notification of the airline is required.

c. Transporting ammunition aboard aircraft. Ammunition will be transported either in a locked case or kept in the personal possession of the SA. Ammunition should not be carried loose but must be kept in a magazine, box, or holder that protects the primers from accidental discharge.

12. International Travel. An SA cannot carry firearms outside the United States and U.S. Territories without AIG/I and host nation approval. AIG/I approval will be noted on the SA's Travel Authorization (form AD-202).

13. Personnel Appointments. An SAC or DD/I will appoint, in writing, individuals to the following positions to help administer the firearms program. The appointed persons shall receive appropriate assignment-specific training.

a. Firearms Custodian or Assistant. An ASAC, SSA, or headquarters SA will be appointed as Firearms Custodian or Assistant Firearms Custodian for every duty station. An SA may be appointed as Assistant Firearms Custodian if necessary. Firearms Custodians or Assistants will:

(1) store unissued firearms, firearms relinquished for secure storage, and ammunition in a steel safe or cabinet equipped with a combination lock. Restrict access to designated Assistant Firearms Custodians, Firearms Instructors, and Armorers. Do not store firearms in the same container with evidence. If the safe or cabinet has individual combination lock drawers, the evidence, firearms, and ammunition can be stored in the same safe, but in different drawers than the evidence. Large quantities of ammunition may be stored in a locked room with limited access.

(2) maintain a master regional firearms inventory showing the type of each firearm assigned (including personally-owned firearms), serial number, location of storage site, and the name of the accountable SA. The accountable SA will sign an Optional Form 130, Personal Custody Property Receipt, for OIG-owned firearms assigned on a permanent basis. A master national firearms inventory will be maintained by the D/IOD. Changes affecting regional weapon assignments shall be reported by memorandum to the D/IOD for update of the national inventory.

(C13a)

(3) maintain a Firearms Authorization Log, form OIG-8472-2 (exhibit H), and Ammunition Inventory Log, form OIG-8472-3 (exhibit I), for 3 years at each firearm storage site to record the issuance of firearms and ammunition.

(4) ship OIG-owned firearms through the U.S. Mail under the following conditions:

- (a) The firearm is unloaded;
- (b) the firearm is sent from or to a law enforcement agency, military agency, or firearms manufacturer; and
- (c) the firearm is sent via overnight express mail.

b. Firearms Instructor. An SA will be appointed as a Firearms Instructor and range officer. That person must have passed the FLETC Firearms Instructor Training Program or its equivalent. Appointed Firearms Instructors will do the following.

(1) Brief SA's as needed on firearms safety, mechanics of shooting, and OIG policy concerning firearms.

(2) Inspect and test-fire personally-owned firearms. Recommend to the SAC or DD/I that the use be discontinued of any firearm that operates improperly (e.g., weapon fails to extract cartridge or fails to chamber properly, etc.).

(3) Conduct firearms qualifications following the procedures in section C5 and record scores on the Qualification Score Sheet, form OIG-8472-4 (exhibit G). At quarterly qualifications, inspect any weapon suspected of malfunctioning.

(4) Inform the SAC or DD/I of any SA who did not qualify, and, with the approval of the SAC or DD/I, provide remedial training for any SA who failed to qualify with an OIG-owned firearm.

(5) Upon receipt of form OIG-8472-1 requesting official use of a personally-owned weapon, inspect the weapon, annotate the form indicating whether it is suitable for duty use, and forward the form to the SAC or DD/I.

(C13)

c. Firearms Armorer. SA's will be appointed as regional and headquarters armorers. Prior to performing maintenance or repairs, a Firearms Armorer must have been trained to repair that particular type of firearm. Acceptable training is attendance at a manufacturer's training course for armorers or other equivalent training. Appointed armorers will do the following.

(1) Inspect for serviceability and perform preventive maintenance or repairs on OIG-owned and authorized personally-owned firearms. If the manufacturer recommends that only the manufacturer make certain repairs, ensure that the firearm is returned to the manufacturer. For items of repair beyond the Armorer's training or capabilities, send the firearm to the manufacturer or a qualified commercial gunsmith certified by the manufacturer.

(2) Accept for maintenance only those firearms accompanied by a completed form OIG-8472-1, Firearm Maintenance or Inspection Request (exhibit F). These forms will be kept until the firearm is removed from OIG inventory. When a firearm is permanently transferred to another region or headquarters, forward the firearm's maintenance records.

(3) List in the "Description of Work Completed" section of form OIG-8472-1 all firearm maintenance performed by the OIG Firearms Armorer, a certified commercial gunsmith, or the manufacturer. When maintenance is completed, return the firearm to the requester and send the original form OIG-8472-1 to the SAC or DD/I.

(4) Upon receipt of form OIG-8472-1 requesting official use of a personally-owned weapon, inspect the weapon, annotate the form indicating whether it is suitable for duty use, and forward the completed form to the SAC or DD/I.

14. Law Enforcement Files. The D/IOD will maintain a separate law enforcement file for each SA containing copies of the following information:

- a. The dates the SA attended FLETC;
- b. documentation from FLETC showing the SA passed or failed FLETC basic criminal investigator training;
- c. an approval memorandum waiving the FLETC criminal investigator training requirements, when appropriate (exhibit B);

(C14)

d. correspondence sent to or received from the Attorney General concerning the SA's "designation" to exercise law enforcement authorities; and

e. the approved physician certification section of the pre-employment SF-78, Certificate of Medical Examination.

15. Securing a Firearm. On March 5, 1997, the President directed the Attorney General and the Heads of other Executive Departments and Agencies to develop and implement a policy requiring that a child safety lock device be provided with any and every handgun issued to law enforcement officers. The President also directed that all Federal law enforcement officers be informed of this policy and that all issued safety lock devices be accompanied by instructions for their proper use. SAC's and DD/I's shall ensure that OIG-provided safety lock devices and proper use instructions are provided for all OIG-owned handguns and OIG-approved personally-owned handguns, and for all OIG shotguns.

SA's are personally responsible for security of all assigned firearms to prevent unauthorized handling or unintentional discharge. The loss of any firearm or ammunition shall be reported immediately to the AIG/I. A report shall also be made in accordance with IG-2711, Lost, Stolen, Damaged, or Destroyed Property. Listed below are some general suggestions for securing firearms. The list is not all inclusive.

a. Child Safety Considerations. Extra care should be taken to prevent children from playing with firearms and ammunition.

b. While at Home. The firearm should be unloaded and a OIG-issued child safety lock device installed. The ammunition should be removed and separated from the firearm. The unloaded firearm should be locked separate from the ammunition in a locked container.

c. While at the Office. The firearm should be stored in the SA's arms locker or safe drawer, or in the Firearms Custodian's weapons safe.

d. While in Travel Status. If absolutely necessary, firearms and ammunition may be stored for short time periods in a vehicle's locked trunk provided that the doors and trunk release are also locked.

e. While on Extended Leave. During periods of extended leave, the firearm should be unloaded and properly stored in the SA's safe drawer or the Firearms Custodian's weapons safe.

(C)

16. Alcoholic Beverages. An SA is generally prohibited from consuming alcoholic beverages while armed. The exception is when circumstances of an investigation, such as in undercover situations, require the consumption of alcohol. The decision of whether it is necessary to consume an alcoholic beverage is to be made by the involved SA, and the SA is accountable for the decision. If an SA decides to consume alcohol, then all other SA's involved in the operation must be alerted to the additional dangers of the situation. These situations should be kept to a minimum.

17. Medications. SA's taking a prescribed medication must ask their physician if it will interfere with their motor skills or judgment with respect to firearms. If it will, they must inform their supervisor, who will limit the SA's authorization to carry a firearm.

18. Weapon Maintenance. Clean firearms after each qualification, practice firing or as needed between firings. Authorized firearms, ammunition, holsters, and related equipment are subject to supervisory inspection at all times. Weapons may be disassembled for cleaning as follows.

a. Semiautomatics should be field stripped by SA's for proper cleaning as indicated in the firearm's instruction manual.

b. Armorsers may change the magazine release button for right or left hand use on semiautomatic pistols.

c. Under the supervision of an Armorer, revolvers may be field stripped for cleaning as shown in the firearm's instruction manual.

d. The shotgun may be cleaned by an SA. Removal of the trigger assembly should only be performed by an Armorer or Firearms Instructor. The shotgun barrel may be removed for easier storage of the weapon.

Further disassembly of the above firearms or the disassembly of any other OIG-owned firearm will be done only by the Armorer or a qualified commercial gunsmith.

If the Firearms Instructor cannot correct a firearms malfunction at the range, the SA will submit the weapon and form OIG-8472-1, Firearm Maintenance or Inspection Request (exhibit F) to the armorer. The SA will maintain one copy of the form, send one copy to the Firearms Custodian, and send the original along with the firearm. After repairing the firearm, the Armorer will send the original form to the SAC or DD/I for retention.

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19. Other Restrictions Regarding Firearms.

- a. The SA will not be reimbursed for lost or stolen personally-owned firearms and accessories.
- b. SA's carrying personally-owned firearms will provide his or her own holster and magazine pouch, subject to supervisory approval, unless OIG equipment is compatible with his or her firearm.
- c. SA's must pay expenses for repair to his or her personally-owned firearm, unless the OIG Armorer makes the repair.
- d. SA's will surrender his or her personally-owned or OIG-owned firearms to OIG officials upon request.
- e. If personally-owned or OIG-owned firearms are used in shooting incidents, SA's will surrender them to investigating officials if requested.
- f. SA's having approval to carry personally-owned firearms shall not switch to other personally-owned or OIG-owned firearms without prior SAC or DD/I approval.
- g. SA's are not authorized to carry more than one handgun at a time, absent SAC or DD/I approval.

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U.S. DEPARTMENT OF AGRICULTURE
Office of Inspector General

TRAINING POLICY STATEMENT

POLICY. Newly hired criminal investigators (special agents) must meet specific training standards before they can be granted law enforcement authority. The standard for this training is the successful completion of the Criminal Investigator Training Program (CITP) at the Federal Law Enforcement Training Center (FLETC), Glynco, Georgia. FLETC criminal investigator training may be waived by proof of successful completion of reputable Federal criminal investigator training as long as it is comparable to FLETC's Criminal Investigator Training Program.

Successful completion of the CITP is a condition of employment for newly hired special agents, whether career or probationary, who have not completed reputable Federal criminal investigator training comparable to FLETC's CITP. New special agents will be sent to FLETC as soon as possible after entrance on duty. Potential special agents are advised that it is the policy of the Office of Inspector General, U.S. Department of Agriculture, to institute adverse action (which could include removal from the Federal service) against anyone who fails to successfully complete the CITP.

AGREEMENT

I have been advised by _____ (Name) _____, _____ (Title) _____, that failure to successfully complete the CITP will result in adverse action which could include my removal from the Federal service. I understand my responsibility to successfully complete the CITP. I further understand that if I should be terminated, the Office of Inspector General is not liable to repay me for any moving expenses that I may have incurred in reporting to my duty station.

(Signature of Special Agent Applicant) (Date)

DATE:

REPLY TO

ATTN OF: 8470

SUBJECT: Waiver of FLETC Training Requirement

TO:

Inspector General

A waiver of the requirement in IG-8472 that the FLETC basic criminal investigator course be completed for authorization to exercise OIG law enforcement authorities is requested for Special Agent (____ name ____). Special Agent (____ name ____) has successfully completed comparable training with (____ agency name ____).

Special Agent (____ name ____) had (number) years of experience with (____ agency name ____) before joining OIG, USDA. During that time, Special Agent (____ name ____) received the following training which is comparable to that given by FLETC:

(List of courses with brief description of each and dates attended.)

I am satisfied that the above training and experience meets basic law enforcement officer training requirements, and I recommend that this waiver be granted.

(SAC Signature)

Concur: _____
(AIG/I Signature)

Waiver Approved:

Inspector General

SUBJECT: Designation under Section 1337,
Agriculture and Food Act of 1981
Public Law 97-98

TO: The Attorney General

I hereby designate the employee(s) of the Office of Inspector General (OIG), U.S. Department of Agriculture, listed on Attachment A, who conduct investigations of alleged or suspected felony criminal violations of statutes administered by the Secretary of Agriculture or any agency of the U.S. Department of Agriculture, to perform the following functions in accordance with regulations issued by the Secretary of Agriculture, 7 CFR 1a, while said employee(s) are engaged in the performance of official duties under the authority provided by the Inspector General Act of 1978, 5 U.S.C. app. 3, sec. 6, 9:

1. To make an arrest without a warrant for any such criminal felony violation if such violation is committed, or if the employee has probable cause to believe that such violation is being committed, in the presence of the employee;

2. to execute a warrant for an arrest, for the search of premises, or the seizure of evidence if such warrant is issued under authority of the United States upon probable cause to believe that such violation has been committed; and

3. to carry a firearm.

I have issued directives containing the policies and procedures by which the authorities herein will be exercised by the designated employee(s) of the Office of Inspector General. I have also established criteria that must be satisfied by special agents before they may be qualified as designated employees. I hereby certify that the OIG employee(s) listed on Attachment A have satisfied the established qualification criteria for designation under section 1337 of the Agriculture and Food Act of 1981, Public Law 97-98, 7 U.S.C. 2270.

(Name)
Inspector General

(Date)

Honorable (Name)
Attorney General
Washington, D.C. 20530

Dear (Name):

I am transmitting to you the names of special agents of the Office of Inspector General, U.S. Department of Agriculture, who are authorized to exercise the authorities granted under section 1337 of the Agriculture and Food Act of 1981, Public Law 97-98, 7 U.S.C. 2270 (the Act). The special agents named in the enclosure are in addition to the ones transmitted to you by my earlier letters.

In accordance with the Act, the Secretary of Agriculture issued regulations governing the exercise of law enforcement authorities by special agents, 7 CFR 1a. Subsequently, I issued internal directives setting forth the policies and procedures of this office concerning arrests, searches, and use of firearms.

Each special agent whom I have designated to exercise these authorities has successfully fulfilled the following three requirements:

1. The agent has passed a medical examination and is physically capable of exercising the authorities;
2. the agent has passed a Practical Pistol Course and is rated as a marksman, or higher; and
3. the agent has completed the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia, or has received comparable training.

I consider the special agents designated in this letter to be well qualified to exercise these law enforcement authorities in a professional and responsible manner.

Sincerely,

(Name)
Inspector General
Enclosure

DATE:

REPLY TO

ATTN OF: IG-8472

SUBJECT: Request to Carry a Personally-Owned Weapon

TO: (Special Agent-in-Charge)
(Division Director, IOD or PID)

I hereby request permission to carry my personally-owned weapon, described below, in lieu of the OIG issued weapon. I agree to voluntarily turn over this weapon upon request by OIG management. The weapon has been inspected by an OIG armorer or firearms instructor and a copy of form OIG-8472-1, Firearms Maintenance or Inspection Request (exhibit F), is attached to this memorandum.

Make _____

Model _____

Serial Number _____

x _____

(Special Agent's typed/printed name)

Special Agent

Date: _____

Concurrence:

x _____

SAC or DD/I

Exhibit F
of IG-8472

Exhibit G
of IG-8472

Exhibit H
of IG-8472

Exhibit I
of IG-8472